

## REMARKS

This is intended as a full and complete response to the Office Action dated February 6, 2008, having a shortened statutory period for response extended two-months set to expire on July 6, 2008.

Claims 1-7, 10-16, 19, and 21-28 remain pending in the application after entry of this response. Claims 26-28 have been added. Please reconsider the claims pending in the application for reasons discussed herein.

### Claim Rejections Under 35 U.S.C. § 112

Claims 7, 10-15, and 23-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 7 has been amended to overcome the Examiner's rejection. Support for the amendment may be found on at least page 9, line 19. Withdrawal of the rejection is respectfully requested.

Claims 16, 19, 22, and 25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 16 has been amended to overcome the Examiner's rejection. Support for the amendment may be found on at least page 22, line 1. Withdrawal of the rejection is respectfully requested.

Claim 25 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Support for claim 25 may be found on at least page 15, lines 1-9. Withdrawal of the rejection is respectfully requested.

Claims 16, 19, 22, and 25 are rejected under 35 U.S.C. § 112, second paragraph.

Claim 16 has been amended to overcome the Examiner's rejection.

Claim 22 is rejected under 35 U.S.C. § 112, second paragraph.

Applicant believes this rejection was mistakenly applied to claim 22 instead of claim 21. Claim 21 has been amended in accordance with the Examiner's comments. Withdrawal of the rejection is respectfully requested.

Claim 25 is rejected under 35 U.S.C. § 112, second paragraph.

Claim 25 is directed to a reaction system having a catalytic effect without the use of an isocyanurate catalyst or a conventional catalyst. Withdrawal of the rejection is respectfully requested.

#### Claim Rejections Under 35 U.S.C. § 103

Claims 1-7, 10-16, 19, and 21-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bodnar, et al.* (5,143,945). The Examiner admits that *Bodnar* is not particularly limited to Applicant's selection of active hydrogen containing derived polyols of the equivalent weight. The Examiner, however, asserts that *Bodnar* is clear in the particular suitability of the members ammonia, ethylene diamine, trimethylol propane, and ethylene glycol in forming the polyols his invention.

Applicant respectfully traverses this rejection. *Bodnar* does not teach or suggest a *tertiary amine* containing organic polyol. *Bodnar* discloses that the polyol can be conventional polyols comprising polyalkyleneoxy polyols particularly the propyleneoxy-polyethyleneoxy capped polyols obtained by the alkoxylation of water, ammonia, ethylene glycol, ethylene diamine, and trimethylol propane. (See col. 6, Ins. 43-49). However, these statements are merely an invitation to explore or an obvious to try suggestion. They do not render obvious the use of a *tertiary amine* containing organic polyol, as recited in all of the claims.

Additionally, *Bodnar* states that the polyalkyleneoxy polyols are “conventional polyols.” (See col. 6, Ins. 43-44). *Bodnar* further states that these “conventional polymeric polyols, ...their molecular weight will fall within the range of about 1,000 to about 12,000.” (See col. 6, Ins. 17-19). As such, the molecular weight disclosed for *Bodnar*’s “conventional polyols” are outside of the claimed range of between 240 and 500, as claimed in independent claims 1 and 7.

*Bodnar* provides crude polyester polyols as the preferred class of lower molecular weight polyols. The “crude polyester polyols ... are obtained from crude reaction residues or scrap polyester resins by their transesterification with low molecular weight glycols.” (See col. 6, Ins. 58-61). These polyols’ “molecular weight falls within a range of from about 225 to about 5,000.” (See col. 6, Ins. 65-67). Thus, polyols obtained from this transesterification process are the only polyols disclosed by *Bodnar* that may arguably fall within the claimed molecular range. However, these polyols are not tertiary amine containing organic polyols. Therefore, independent claims 1 and 7 are distinguishable over *Bodnar* for this additional reason.

Additionally, *Bodnar* does not teach or suggest an isocyanate-reactive foaming agent consisting solely of water, carboxylic acids, or mixtures thereof, as recited in claims 21 and 28. According to *Bodnar*, the “novelty” of his invention resides in the blowing agent mixture of (i) a halocarbon blowing agent and (ii) an organic carboxylic acid. (See col. 3, Ins. 38-42). Therefore, *Bodnar* does not teach or suggest a foaming agent without halocarbons, as recited in claims 21 and 28.

Furthermore, *Bodnar* does not teach or suggest providing a reaction system having a catalytic effect without the use of an isocyanurate catalyst or a conventional catalyst, as recited in claim 25. In contrast, *Bodnar* discloses using a trimerization catalyst in addition to blowing agents. *Bodnar* also does not teach or suggest use of carboxylic acids as a foaming agent and the carboxylic acid providing a catalytic effect in the process, as recited in claim 27.

Conclusion

In conclusion, the reference cited by the Examiner does not teach or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

July 7, 2008  
Date

  
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